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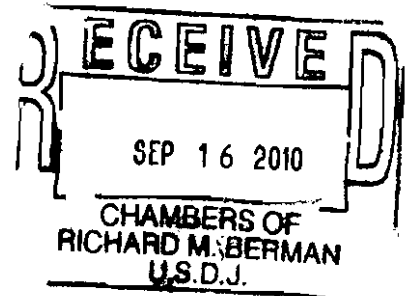
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September 16, 2010

VIA HAND DELIVERY

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street, Room 650
New York, NY 10007

MEMO ENDORSED
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Re: *Merck KGaA and Merck Eprova AG v. ProThera, Inc.*, Case No. 08-CV-00035

Dear Judge Berman:

We represent the Plaintiffs, Merck KGaA and Merck & Cie (formerly Merck Eprova AG) (collectively "Merck"), in the above-captioned matter. Pursuant to Your Honor's Individual Practices I.E. we, along with Defendant Prothera, Inc. ("Prothera"), write requesting a thirty day adjournment of the oral arguments on ProThera's Motion for Partial Summary Judgment, scheduled for Monday, September 20, 2010 at 9:00am.

The parties in this case are engaged in good faith settlement discussions. While the parties have exchanged proposed agreements, there are a number of issues that the parties need additional time to address and discuss. As such, the parties agree that a thirty day adjournment of the oral arguments is necessary in order to give the parties additional time to explore a settlement agreement.

This is the parties' first request for an adjournment of this date. Should the parties not be able reach an agreement within the thirty days, we ask that the oral arguments proceed as scheduled on October 20, 2010, or another date shortly thereafter as set by the Court.

We thank the Court for its consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert E. Hanlon", written over a horizontal line.

Robert E. Hanlon

cc: Counsel of Record

Application granted. Oral
arguments on 9/20 is
adjourned to 10/20/10 at
9:00 a.m.

SO ORDERED:

Date: 9/16/10

Richard M. Berman

Richard M. Berman, U.S.D.J.